THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12360 OF 2001

ORAL ORDER:

The petitioners claim to be in possession of land to an extent of Ac.1.00 cents situated in Darbhagudem village, Jeelugumilli Mandal, West Godavari District.

It is not in dispute that the said land forms part of scheduled area. On a report made by the Special Deputy Tahsildar, Tribal Welfare, eviction proceedings were initiated against the petitioners under the provisions of A.P. Scheduled Areas Land Transfer Regulation, 1959, as amended by Regulation II of 1970, but the same were disallowed by order of the 2nd respondent dated 27.5.1993. The petitioners claim that the said order has become final and that they have been in continuous possession and enjoyment of the land in question. It is alleged that in spite of the fact that the order of the 2nd respondent dated 27.5.1993 has become final, the 3rd respondent has been attempting to interfere with petitioners' possession and contemplating to issue pattas in favour of third parties in respect of the land in their possession. Hence, this writ petition seeking a declaration that the action of the 3rd respondent is arbitrary, illegal and contrary to the order of the 2nd respondent dated 27.5.1993, which has become final.

Though *Rule nisi* was ordered on 2.8.2001, no counter affidavit is filed by the respondents, and the averments in the writ petition stood unrebutted.

Having heard learned counsel for both the parties and having regard to the facts and circumstances of the case and in the absence of counter affidavit, I deed it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the possession of the petitioners in respect of the land in question without following due process of law, provided the order of the 2nd respondent dated

27.5.1993 has become final. No costs.

(G. ROHINI).

26th February, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12360 OF 2001

26th February, 2007.

Between:

Alavala Papayamma and another. .. Petitioners.

And

The District Collector, Tribal Welfare,
Eluru, West Godavari District,
and others. .. Respondents.